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OFFICE OF PETITIONS

In re Application of
Wiklof et al.
Application No. 10/630,062
Filed: 07/29/2003
Attorney Docket No. MVIS 02-22

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed December 17, 2007, to revive the above-identified application.

The petition under 37 CFR 1.137(b) is **GRANTED**.

On October 31, 2006, the Office mailed a final Office action, which set a three-month shortened statutory period to reply. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination (RCE) and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). Petitioners obtained an extension of time for response within the third month. Accordingly, the application became abandoned on May 1, 2007. On August 8, 2007, the Office mailed a Notice of Abandonment.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioners have supplied (1) the reply in the form of a RCE, the RCE fee and the submission required by 37 CFR 1.114; (2) the petition fee; and (3) a proper statement of unintentional delay.

The Office finance records reveal an overpayment of \$60.00 for a one-month extension of time fee on March 5, 2007. As this fee is unnecessary, the Office will refund \$60.00 to Deposit Account No. 07-1897.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3211.

This application is being referred to Technology Center AU 2876 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

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